

Bureau of Reclamation, Interior

§ 404.2

- 404.38 Are there different requirements for determining the appropriate non-Federal share of construction costs to be paid by Indian tribes?
- 404.39 What factors will Reclamation consider in evaluating my capability to pay 25 percent or more of the construction costs?
- 404.40 What is the non-Federal share of operation, maintenance, and replacement costs?

Subpart C—Appraisal Investigations

- 404.41 How will an appraisal investigation be conducted under this program?
- 404.42 How much time is provided to complete an appraisal investigation?
- 404.43 What process will Reclamation follow to determine if an appraisal investigation is ready for review?
- 404.44 What criteria will Reclamation apply to determine whether it is appropriate to recommend that a feasibility study be conducted?
- 404.45 What will be included in the appraisal report prepared by Reclamation?
- 404.46 Who will the appraisal report be provided to?

Subpart D—Feasibility Studies

- 404.47 How will a feasibility study be conducted under this program?
- 404.48 What process will Reclamation follow to determine if a feasibility study is ready for review?
- 404.49 What criteria will Reclamation use to determine whether to recommend that a proposed rural water supply project be authorized for construction?
- 404.50 What information will be included in the feasibility report prepared by Reclamation?
- 404.51 Are proposed projects under the Rural Water Supply Program reviewed by the Administration?
- 404.52 Who will the feasibility report be provided to?

Subpart E—Miscellaneous

- 404.53 Does this rule provide authority for the transfer of pre-existing facilities from Federal to private ownership, or from private to Federal ownership?
- 404.54 Who will hold title to a rural water project that is constructed following the completion of an appraisal investigation or feasibility study under this program?
- 404.55 Who is responsible for the operation, maintenance, and replacement costs?
- 404.56 If a financial assistance agreement is entered into for a rural water supply project that benefits more than one Indian tribe, is the approval of each Indian tribe required?

- 404.57 Does this rule have any effect on state water law?
- 404.58 Do rural water projects authorized before the enactment of the Rural Water Supply Act of 2006 have to comply with the requirements in this rule?
- 404.59 If the Secretary recommends a project for construction, is that a promise of Federal funding?
- 404.60 Does this rule contain an information collection that requires approval by the Office of Management and Budget (OMB)?

AUTHORITY: Public Law 109-451 (43 U.S.C. 2401 *et seq.*)

SOURCE: 73 FR 67782, Nov. 17, 2008, unless otherwise noted.

Subpart A—Overview

§ 404.1 What is the purpose of this part?

The purpose of this part is to explain how the Reclamation Rural Water Supply Program is implemented. This part describes:

- (a) The purpose and priorities of the program;
- (b) How to apply for assistance under the program;
- (c) How Reclamation will evaluate requests for assistance;
- (d) How Reclamation will evaluate an appraisal investigation; and
- (e) How Reclamation will evaluate a feasibility study.

§ 404.2 What terms are used in this part?

The following terms are used in this part:

Appraisal investigation means an analysis of domestic, municipal, and industrial water supply problems, needs, and opportunities in the planning area, primarily using existing data. An appraisal investigation includes a preliminary assessment of alternatives to address the identified water supply problems and needs. The purpose of an appraisal investigation is to determine if there is at least one viable alternative that warrants a more detailed investigation through a feasibility study.

Appraisal report means the document, prepared by Reclamation, setting forth the findings and conclusions reached by Reclamation in its evaluation of a completed appraisal investigation. The